

35 U.S.C. 121:

The inventions stated are:

I - Claims 1-18, drawn to an apparatus, classified in class 451, subclass 287, and

II - Claims 19-27, drawn to a method, classified in class 451, subclass 60.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group II - Claims 19-27, drawn to a process classified in Class 451, subclass 60. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction in the Office Action.

The Examiner gives the reasons for the distinctness between Inventions I and II as (1) that the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process (M.P.E.P. 806.05(e)). However, upon reading the process Claims against the apparatus Claims one can readily see that the process Claims are directed to a method of forming "a method for planarizing semiconductor substrates having irregular topology", and that the apparatus claims are directed to "a slurry dispensing apparatus for

use with a chemical mechanical polishing tool for planarizing semiconductor substrates having irregular topology", and that it is necessary to obtain claims in both the process and apparatus claim language. The process claims necessarily use the apparatus and vice versa. The field of search must necessarily cover both the process class/subclass 451/60 and apparatus class/subclass 451/287, in addition to other related classes and subclasses, to provide a complete and adequate search. The fields of search for Groups I and II are clearly and necessarily co-extensive. The Examiner's suggestion that "the process as claimed can be practice by another materially different apparatus, such as one using a linear polishing pad" is speculative and has nothing to do with the Claims as presented in this patent application.

Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of second and third patent applications upon the applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement, and allowance of the present Patent Application, is respectfully requested.

It is requested that should there be any problems with this response, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,



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